MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1412 OF 2007

IN

SUIT NO. 1344 OF 1995

M/s. LANDED ESTATE LTD. .. PLAINTIFF

Vs.

M.C.G.M. & ORS. .. DEFENDANTS

Mr. Durga Prasad Sabnis i/b Dhru & Co. for plaintiff

Mr. R. Y. Sirsikar for MCGM

CORAM: **SMT. RANJANA DESAI, J.**

DATE: AUGUST 10, 2007.

P.C.

. This motion is taken out by the defendants praying that defendants be allowed to file written statement. The suit is of 1995. Written Statement is not filed till date. In the affidavit in support of the motion following explanation is given.

. "I sayand submit that the defendants are a statutory body Corporation and working for a public at large and employees of the

defendants are working in various Departments and getting transferred by way of roster system. However, proceedings of the present suit were misplaced with the other file papers and after diligent search the same were not traceable and, therefore, defendants could not file their written statement within stipulated period. However, I sayand submit that delay caused is unintentional and not deliberate. I say and submit that now, the papers and proceedings have been traced out and Written Statement is ready for filing in the said suit."

2. In the peculiar facts and circumstances of the case and looking to the explanation offered by the defendants it appears that a case is made out for condoning the delay in filing the written statement on a condition that the defendants pay costs quantified at Rs.5,000/- to the plaintiff. Payment of costs would obviously be condition precedent for filing written statement. Hence the following order:

. The defendants shall pay costs quantified at

Rs.5000/- to the plaintiff within a period of three weeks from today. The defendants shall satisfy the office that the costs are paid. Office shall then take the written statement on file.

. Motion is disposed of.

JUDGE.